HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24896 of 2004

Dated:23.11.2006

Between:

Gorli Demudamma and others.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24896 of 2004

ORDER:

The petitioners herein were given land admeasuring Acs.2.00 to Acs.4.00 in Survey Nos.183/2, 183/3 and 183/4 situated at Marripalem, Hamlet of Ellupi Village, Sabbavaram Mandal in Visakhapatnam District, by order dated 26.03.2004. They were given Possession Certificates. However, within a period of about eight months thereafter, by impugned proceedings bearing Rc.No.524/2004/A, dated 14.12.2004, the second respondent cancelled the Possession Certificates on the ground that those were given allegedly on an erroneous and misrepresentation of facts. The said order is assailed*, inter alia*, on the ground that the same is in violation of principles of natural justice.

Though this Court admitted the Writ Petition on 30.12.2004 and passed interim orders, the Government has not filed any counter affidavit nor it is denied before this Court that the impugned order was not preceded by a show cause notice.

Therefore, in view of the above, though interlocutory matters are listed, the Writ Petition is disposed of directing the second respondent to issue notices to the petitioners giving sufficient grounds on which he has proposed to cancel Possession Certificates, obtain necessary explanations and then pass appropriate orders. The impugned order is

accordingly set aside and the matter is remitted to the second respondent. No costs.

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(V.V.S.RAO, J)

23.11.2006
vs